

REMARKS

Claims 1-5 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

Issues under 35 U.S.C. § 121

The Examiner has asserted that the present claims relate to more than one invention and has separated the claims into the following three groups pursuant to 35 U.S.C. § 121:

- I. Claims 1-2 drawn to a pharmaceutical composition for treating or preventing mood disorders, comprising theanine;
- II. Claim 3, drawn to a food or beverage for ameliorating or preventing mood disorders, comprising theanine;
- III. Claims 4-5, drawn to a method for ameliorating or preventing mood disorders comprising administering the composition of Group I.

Applicants respectfully traverse and submit that restriction to one of the above three groups is not necessary. In particular, Applicants submit that there exists no undue administrative burden placed upon the Examiner to search and consider claims 1-5 in their entirety. As such, the outstanding Restriction Requirement is traversed.

However, in an effort to be fully responsive to the outstanding Restriction Requirement, Applicants hereby elect Group III, directed to claims 4 and 5. This is an election with traverse as noted above.


Based upon the above, favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, (Registration No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #42,874
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